

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5034 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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MULJIBHAI Z PATEL

Versus

DISTRICT DEVELOPMENT OFFICER

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Appearance:

MR NK MAJMUDAR for Petitioner

MR HS MUNSHAW for Respondent No. 1

MR SG BHATT for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 14/02/2000

ORAL JUDGEMENT

Heard the learned advocates.

2. The petitioner before this Court was the employee of the respondent no. 1 - Panchayat. At the relevant time, the petitioner was serving as an Assistant Store Keeper. By an Order dated 23rd November, 1985, the

petitioner was promoted as Store Keeper, subject to the promotion being approved by the Gujarat Panchayat Service Selection Board. However, the petitioner's appointment not being in consonance with the relevant rules, the same was not approved by the Board. In view of the advice given by the Board, by the order dated 21st September, 1987, the petitioner's promotion to the post of Store Keeper was cancelled and the petitioner was reverted to his substantive post of Assistant Store Keeper. Feeling aggrieved, the petitioner has preferred the above petition. Pending the petition, the implementation of the impugned order of reversion was stayed by this Court. In view of the said interim order, the petitioner continued to officiate on the promotional post of Store Keeper. Pending the petition, the petitioner has passed away on 13th November, 1999 in harness. In above view of the matter, the petition has become infructuous. Petition is disposed of accordingly. Rule is discharged.

[Miss R.M Doshit, J.]

Prakash\*